IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

MFA.No. 404 of 2001

OPMV.1016/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KASARAGOD
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APPELLANT:

ABDUL HAMEED.C.H., AGED 32,
S/O HASSAINAR HAJI, C.H. HOUSE,
KAITHAKKAD, CHERUVATHUR,
KASARAGODE (DISTRICT).

BY ADV. SRI.M.THAMBAN
SMT.T.SUDHAMANI

RESPONDENTS:

1. K.K.RAJAN, S/O KUTTIAPPA NAIR,
KUTHUPARAMBA HOUSE, CHERAKKAL,
KANNUR DISTRICT.

2. THE MANAGING DIRECTOR, KSRTC,
THIRUVANANTHAPURAM.

R2 BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURTON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 404 of 2001

JUDGMENT

Koshy, J.

The appellant/claimant met with an accident, while travelling in a stage carriage bus, owned by the second respondent and sustained injuries to his left hand. According to the claimant, the incident occurred by hitting the bus on an electric post situated on the left side of the road, due to rash and negligent driving of the bus by the first respondent-driver. The contention that the appellant put his hand outside was not accepted by the Tribunal. However, against a claim of Rupees one lakh only Rs.39,574/- was awarded. No disability certificate was produced. The injury was fracture of left humerus and there is no evidence to show that the appellant lost his earning capacity due to the accident. For pain and sufferings Rupees ten thousand was awarded. We are

of the opinion that the amount of compensation awarded is just and reasonable. Therefore, we find no reason to interfere in the quantum of compensation awarded by the Tribunal. The appeal is, hence, dismissed.

(J.B.Koshy, Judge)

5th June, 2007

(K.P.Balachandran, Judge)

tkv